

| [NODIS Library](#) | [Legal Policies\(2000s\)](#) | [Search](#) |



NASA Policy Directive

NPD 2025.1B

Effective Date: August 28, 2013

Expiration Date: August 28,
2018**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change

 (NASA Only)

Subject: NASA Ombudsman Program

Responsible Office: Office of Strategic Infrastructure Capabilities

1. POLICY

a. It is NASA's policy to provide civil servants, Center contractor workforce, and other individuals (e.g., partners, customers) who are working in or on a NASA-controlled facility with an informal, independent, confidential, and neutral channel to communicate and facilitate resolution of issues and concerns related to safety, organizational performance, or mission success without fear of retribution. To accomplish this policy, NASA will implement a NASA Ombudsman Program based on the principles of informality, independence, confidentiality, and neutrality; the International Ombudsman Association Code of Ethics and Standards of Practice; and the Administrative Dispute Resolution Act of 1996. The International Ombudsman Association Code of Ethics and Standards of Practice are subordinate to Federal law and regulation and the requirements of this NPD where conflicts exist (e.g., required reporting of criminal activity).

(1) Informality - means the NASA Ombudsman Program will function independently of all formal management, administrative, or criminal processes.

(2) Independence - means the Ombudsman will not be encumbered by line management functions. At the Centers, the Ombudsman will report Ombudsman-related matters directly to the Center Director. At Headquarters the Ombudsman will report Ombudsman-related matters directly to the Deputy Administrator or the Executive Director for Headquarters Operations.

(3) Confidentiality - means the Ombudsman will maintain complete confidentiality as to the identity of those who visit the Ombudsman and the substance of those discussions except, at the sole discretion of the Ombudsman, under either of the following circumstances or as required by law:

(a) When given permission by the visitor and solely for the purpose of a communication within the NASA Center or Headquarters that employs the visitor.

(b) When the Ombudsman is confronted with a situation that appears to present an imminent risk of harm to an individual, damage to property, or a crime.

(4) Neutrality - means the Ombudsman will not serve as a representative or advocate for any visitor's issues or concerns within NASA; however, an Ombudsman will advocate for fair processes and administration.

b. NASA shall establish a minimum of one Ombudsman at every Center and at

Headquarters to implement this policy. Center and Headquarters Ombudsmen will be provided with direct, unrestricted, and unimpeded access to the Center Director, Headquarters Executive Director for Headquarters Operations, and Deputy Administrator, respectively.

c. All Ombudsman offices shall be located in a discreet location to the greatest extent practicable to protect the privacy of visitors.

(1) Any office record-keeping system and/or database will be independent of the Agency's information technology systems with access allowed only to the Ombudsman, except to the extent adequate safeguards are in place to ensure system security in conjunction with visitor confidentiality.

(2) All Ombudsman offices will be sufficiently secured to ensure the confidentiality of private information and conversations, and the Ombudsman will regularly purge visitor identity information.

2. APPLICABILITY

a. This NPD applies to all employees, onsite contractors (only to the extent specified or referenced in the appropriate contract) and other individuals at NASA Headquarters and NASA Centers, including Component Facilities. The Ombudsman Program is also available to offsite NASA contractors, but limited to communicating safety issues or concerns involving:

(1) Hardware, systems, and/or facilities being developed for NASA.

(2) Hardware, systems, and/or facilities that are owned by the Federal Government but managed under contract by an offsite contractor.

b. This NPD does not apply to the Office of the Inspector General's Whistleblower Protection Ombudsman or the NASA Ombudsman for Acquisition. Information about both programs can be found at: <http://oig.nasa.gov/whistleblower.html> and http://prod.nais.nasa.gov/pub/pub_library/Omb.html, respectively.

c. This NPD does not exempt any NASA employee, including a NASA Ombudsman, from the responsibilities imposed by law to report criminal violations, e.g., under the Inspector General Act of 1978, as amended, 5 U.S.C. App. III and 28 U.S.C. §535.

d. In this NPD, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.

e. In this directive, all documented citations are assumed to be the latest version unless otherwise noted.

3. AUTHORITY

a. The National Aeronautics and Space Act, 51 U.S.C. § 20113 (a).

b. Administrative Dispute Resolution Act, 5 U.S.C. §571 et seq.

4. APPLICABLE DOCUMENTS AND FORMS

a. The Freedom of Information Act, 5 U.S.C. §552.

b. Inspector General Act of 1978, as amended, 5 U.S.C. App. III.

- c. Investigation of Crimes Involving Government Officers and Employees, 28 U.S.C. §535.
- d. NPR 1441.1, NASA Records Retention Schedules.
- e. 2009 International Ombudsman Association Standards of Practice.
- f. 2007 International Ombudsman Association Code of Ethics.

5. RESPONSIBILITY

- a. The NASA Deputy Administrator shall appoint the Ombudsman Program Lead and a minimum of one Headquarters Ombudsman.
- b. Center Directors shall appoint one or more Center Ombudsmen and may designate which Center Ombudsman will be the primary contact for administrative matters.
- c. Center and Headquarters Ombudsmen shall be senior-level employees (SES or GS-14/15 grade level), serve in a role separate from management, and not own an organization process (i.e., compliance or human resources policy).
 - (1) The Ombudsman Program Lead may waive the grade level requirement for exceptional Ombudsman candidates.
 - (2) Center Directors may appoint as an Ombudsman a management official who has a minimal number of direct reports if the Center is limited by the number of other qualified senior-level officials able to serve. Exceptions to 5b(2) shall receive written approval from the Ombudsman Program Lead.
 - (3) Ombudsman selections shall be made to provide diversity and minimize the potential for conflicts of interest between the Ombudsman Program and visitors. A potential conflict of interest exists when the Ombudsman has functional or managerial responsibility for the area identified by the visitor. Visitors may seek assistance from other Center Ombudsmen at any time.
- d. The Ombudsman Program Lead, the Assistant Administrator for Strategic Infrastructure, shall:
 - (1) Review and oversee the Centers' and Headquarters' implementation of this policy.
 - (2) Periodically convene the Agency's Ombudsmen to share best practices and lessons learned.
 - (3) Monitor, measure, and analyze the Agency Ombudsman Program through evaluations of the Centers' and Headquarters' Ombudsmen functions and provide updates to the Deputy Administrator for evaluation and feedback.
 - (4) Ensure that the appropriate training, skill, and knowledge base are provided to all Agency Ombudsmen.
 - (5) Ensure the management and disposal of any program documentation (such as Annual Program Reports) in accordance with NPR 1441.1, NASA Records Retention Schedules.
- e. Center and Headquarters Ombudsmen shall:
 - (1) Implement the policy outlined in this NPD at their Centers or at Headquarters, respectively.
 - (2) Not serve as an agent for notice to NASA.
 - (a) If a visitor (i.e., civil service employee or contractor seeking Ombudsman service) desires to make a record or put the Agency on notice, the Ombudsman shall assist the visitor in accessing appropriate formal systems, offices, or processes such as the Inspector General (IG), the Equal Employment Opportunity (EEO) Program, the Office of

Human Capital Management, union representational authority, the Office of Special Counsel, the Merit System Protection Board, the NASA Safety Reporting System, or the Office of Procurement. However, all deadlines or due dates imposed under any formal process remains applicable.

(b) If a visitor prefers to use the services of the Ombudsman over those of any formal organizational process, the Ombudsman may consult with the formal process owner, while maintaining confidentiality with the visitor. In such cases, the visitor shall be reminded that using the Ombudsman service may conflict with meeting deadlines or due dates and statutes of limitation imposed by the formal process or Federal or state law, closing out the possibility of using that process. The Ombudsman Program does not supplant any negotiated procedures. If the visitor decides to follow a formal process, the Ombudsman may not assist (or intervene) until the formal process is complete.

(c) No action or inaction by a NASA Ombudsman shall extend, revise, or otherwise affect the requirements of the formal process. The visitor remains solely responsible for making any submissions in accordance with such requirements to address relevant concerns, independent of the visitor's use of a NASA Ombudsman.

(3) Provide information to a visitor regarding administrative systems available for addressing the visitor's concerns (e.g., IG, EEO) and assist the visitor in developing options for addressing issues or concerns. The Ombudsman recognizes that all decision making relating to a visitor's future actions resides exclusively with the visitor.

(4) Periodically discuss with the formal organizational process owners the Ombudsman Program and its responsibilities to share trends and gather information as needed.

(5) Establish and follow a consistent and standard practice for destruction of case notes when applicable.

(a) Pursuant to 5 U.S.C. §574(j), dispute resolution communications between an Ombudsman and a visitor, which are prohibited from being disclosed under 5 U.S.C. §574, are also exempt from disclosure under the Freedom of Information Act by 5 U.S.C. §552(b)(3) and shall be protected from release.

(b) Although an Ombudsman may, in the course of duty, review records created by NASA officials, any informal notes made by the Ombudsman do not constitute records under the Federal Records Act and relevant National Archives and Records Administration regulations. The Ombudsman keeps no records on behalf of the organization.

(6) Educate the eligible visitor populations at their locations about the nature and scope of the NASA Ombudsman Program, including the role of the Ombudsman within the organization and the principles governing activities of the function.

(7) The Ombudsman shall have completed basic Ombudsman training as provided by the International Ombudsman Association either before or within 6 months of appointment as an Ombudsman.

(8) NASA organizations shall fund and the Ombudsman will complete, annual training to develop and expand their Ombudsman skills.

(9) An Ombudsman may, at his/her discretion, conduct independent interviews or reviews to support individual cases or to address systemic issues.

(10) While an Ombudsman may facilitate decision making, authority for decision making remains within the existing lines of supervision within the organization. As such, reporting information to an Ombudsman does not constitute official notice to the Agency, nor does it relieve an employee of any other independent duty to report (e.g., duty to report crime to the IG).

(11) At the sole discretion of the Ombudsman and in keeping with the confidentiality principle, an Ombudsman can elevate issues to the Center Director and, at Headquarters, to the Executive Director for Headquarters Operations, the Deputy Administrator, and/or the Ombudsman Program Lead.

(12) All NASA organizations shall cooperate with the Ombudsman and allow an Ombudsman full access to all files and records except those whose disclosure is prohibited by NASA policy or by law.

(13) Agency employees shall cooperate fully with NASA Ombudsman by assisting and providing information and records to the Ombudsman and addressing matters raised by the Ombudsman. The identity and communications of such individuals will be subject to the same confidentiality provisions recognized by this NPD as applicable to any visitor.

6. DELEGATION OF AUTHORITY

None.

7. MEASUREMENT/VERIFICATION

Compliance with this NPD shall be measured by:

- a. Number of program awareness activities (e.g., Web sites, newsletters, Center events, and annual reports) to inform the workforce of the NASA Ombudsman Program at NASA Headquarters and NASA Centers, including Component Facilities.
- b. Annual assessments conducted by the Ombudsman Program Lead to determine program effectiveness and depth of issues addressed (e.g., utilizations, trends, referrals).
- c. Other measures as determined by the Ombudsman Program Lead (e.g., survey feedback).

8. CANCELLATION

NPD 2025.1, NASA Ombuds Program, dated January 13, 2005.

/s/ Charlie F. Bolden, Administrator

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

DISTRIBUTION:
NODIS

This Document Is Uncontrolled When Printed.

Check the NASA Online Directives Information System (NODIS) Library
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>
